

REMARKS/ARGUMENTS

In view of the following remarks, reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as presented are earnestly solicited. Claims 1-44 are pending. In response to the Office Action, Applicants have cancelled Claims 1-30 and added new Claims 31-44. Claims 31-44 incorporate the subject matter of original claims 11-29. No new matter has been added. Accordingly, it is believed that the newly added claims define patentable subject matter over the references cited by the Examiner and notice to such effect is requested at the Examiner's earliest convenience.

Claim Rejections – 35 U.S.C. §102

Examiner has rejected Claims 1-13, 15-18 and 28-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,732,067 to Powderly ("Powderly"). Each of the claims rejected under 35 U.S.C. §102(e) has now been cancelled, without prejudice, rendering the rejections moot. Applicants **are not conceding** that the subject matter encompassed by the Claims 1-30 as presented prior to this Amendment is not patentable over the art cited by the Examiner, as claim amendments and cancellations in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the newly-presented claims at an early date. Applicants respectfully reserve the right to pursue the claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

Furthermore, new Claim 31 (and new Claims 32-44 depending therefrom) incorporates

the subject matter of original Claim 11 with the subject matter of Claim 19, which has been rejected under 35 U.S.C. §103(a) as discussed below.

Claim Rejections – 35 U.S.C. §103

Examiner has also rejected Claim 14 under 35 U.S.C. §103(a) as being obvious over Powderly in view of U.S. Patent No. 5,835,723 to Andrews *et al.* (“Andrews”). In response, Claim 14 has been cancelled.

Examiner has also rejected Claims 19-27 under 35 U.S.C. §103(a) as being obvious over Powderly in view of U.S. Patent No. 6,779,004 to Zintal *et al.* (“Zintal”). As discussed above, new Claim 31 incorporates the recitations of original Claims 19, 17, 16, 12, and 11. Applicants agree with Examiner’s statement that “Powderly does not specifically disclose... transmitting a message for finding said first communication-enabled information processing device to the communication network by multicasting if no reply including the first address number is received in the predetermined time period from said first communication-enabled processing device in response to the link establishment request.” However, Examiner further states that “Zintal discloses sending out a multicast packet” and that “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate multicasting to identify the machine on the network in order to let other machines know that your machine is there.” Applicants respectfully disagree.

First, Applicants respectfully assert that the Examiner has failed to provide articulated reasoning, under the requirements of MPEP §2143.01(IV), to support the legal conclusion of obviousness in this case. More particularly, the Supreme Court has stated that “rejections on

obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex, Inc.*, 550 U.S. ____ (2007).

Furthermore, Applicants respectfully assert that **Zintal teaches away** from incorporating multicasting into a system for remote console emulation (such as that described in Powderly). As stated by the Examiner, Powderly (at column 3, lines 21-42, and Figure 1) discloses “a system 10 for providing via network 12 ... remote control or emulation of a console of a first computer system 14, **such as a mainframe or enterprise server.**” In contrast, Zintal teaches multicasting among devices **each having a user-control point** (see Zintal, elements 104 and 105, Figure 1). More particularly, Zintal discloses, at column 49, lines 39-43, multicasting from a peripheral device (such as a camera). Thus, Applicants respectfully assert that one having ordinary skill in the art would find motivation to incorporate the peripheral connectivity solution described in Zintal to the system for remote console emulation described generally in Powderly. In summary, Powderly and Zintal, alone or in combination, **do not teach, suggest, or provide motivation for the embodiments of the present invention**, including a method for

“implementing a BIOS operation stage in a communication-enabled information processing device equipped with no user interface... [including the step of]... establishing a link between a first and said second communication-enabled information processing devices ... wherein establishing a link includes transmitting a message for finding said first communication-enabled information processing device to the communication network by multicasting if no reply including the first address number is received in the predetermined time period

from said first communication-enabled information processing device in response
to the link establishment request”

as specifically recited in new Claim 31, and the claims depending therefrom.

Because each of the rejected Claims 3-4, 8 and 15-16 depend from, and include all the limitations of at least one of the original independent Claims 1, 9 and 14, Applicants respectfully submit that each of the Claims 3-4, 8 and 15-16 are patentably distinct from the cited references for at least the same reasons stated above.

CONCLUSION

In conclusion, Powderly, Andrews, and Zintal, alone or in combination, do not teach, suggest, or provide motivation for the embodiments of the present invention as claimed in new Claim 31, and the claims depending therefrom. Accordingly, in view of the above differences between the Applicants' invention and the cited references, the Applicants submit that the present invention, as defined by the newly added claims, is patentable over the references cited in the Office Action. As such, for the reasons set forth above, Claims 31-44 are believed to be in condition for immediate allowance and notice to such effect is respectfully requested at the Examiner's earliest opportunity.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 09-1990.

Respectfully submitted,

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